

## Message Text

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ACTION OES-07

INFO OCT-01 ARA-10 EUR-12 EA-10 IO-13 ISO-00 INT-05  
CIAE-00 INR-10 NSAE-00 SP-02 AGRE-00 EB-08 COME-00  
DLOS-09 L-03 /090 W  
-----036273 300807Z /11

R 300700Z MAR 78  
FM AMEMBASSY WELLINGTON  
TO SECSTATE WASHDC 5254  
INFO AMEMBASSY CANBERRA  
AMEMBASSY LONDON  
AMEMBASSY OTTAWA  
AMEMBASSY PARIS  
AMEMBASSY PORT MORESBY  
AMEMBASSY SANTIAGO  
AMEMBASSY SEOUL  
AMEMBASSY SUVA  
AMEMBASSY TAIPEI  
AMEMBASSY TOKYO  
USMISSION GENEVA  
HICOMTERPACIS  
CINCPAC HONOLULU

C O N F I D E N T I A L SECTION 01 OF 02 WELLINGTON 01583

HICOMTERPACIS FOR LNO STATUS  
CINCPAC ALSO FOR POLAD

EO:11652:GDS  
TAGS: EFIS, NZ  
SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES AGENCY (SPRFA)

REF: STATE 75506

SUMMARY: MFA OFFICIALS REACTED TO DEPARTMENT'S  
SUGGESTION FOR PRELIMINARY EXPERTS DISCUSSIONS ON  
SPRFA IN GENEVA WITH RESERVED APPROVAL. RESERVATIONS  
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ARE THAT: (A) MANY OF THE SMALLER FORUM PARTICIPANTS  
AT THE SUVA MEETING WILL NOT HAVE REPRESENTATIVES AT  
THE LOS SESSION IN GENEVA; (B) THE SOUTH PACIFIC  
ECONOMIC COMMISSION (SPEC) SHOULD BE REPRESENTED  
BECAUSE SPRFA SESSIONS CONTINUE TO BE UNDER ITS  
AUSPICES; (C) SUVA MEETING CHAIRMAN, CHRIS BEEBE,  
CANNOT BE IN GENEVA ON APRIL 10-17 DATES INDICATED

PER REFTEL. MFA OFFICIALS OFFERED POSSIBILITY THAT BEEBE COULD COORDINATE A LATE APRIL DISCUSSION (TWO-THREE DAYS) IN GENEVA FOLLOWING UP ON EARLIER USG INITIATIVES, AND TENTATIVELY APPROVED THE CONVENING OF AN EXPERTS GATHERING IN SUVA JUST BEFORE THE FULL SPRFA MEETING IN JUNE. ACTION REQUESTED: DEPARTMENT'S VIEWS ON WHETHER OR NOT THE PROPOSED "TWO TREATY" APPROACH TO THE HIGHLY MIGRATORY SPECIES PROBLEM WILL LEAVE NEW ZEALAND AND OTHER FORUM STATES OPEN TO THE SANCTION PROVISIONS OF THE 1976 US LEGISLATION. END SUMMARY.

1. NEW ZEALAND DELEGATION AT LOS CONFERENCE INCLUDES TWO MFA OFFICIALS (DICK GRANT, DEPUTY HEAD OF ECONOMIC DIVISION, AND BILL MANSFIELD, HEAD OF LEGAL AFFAIRS) WHO ARE THOROUGHLY FAMILIAR WITH THE SPRFA NEGOTIATIONS. WHILE NEITHER WAS IN NZ'S DELEGATION TO THE SUVA MEETING, GRANT DID PARTICIPATE IN THE SPC - PAGO PAGO SESSION AND BOTH HAVE BEEN PROMINENT IN THE DEVELOPMENT AND APPLICATION OF NEW ZEALAND'S OWN FISHERIES LEGISLATION.

2. DEPARTMENT'S PROPOSAL FOR EXPERT LEVEL DISCUSSIONS ON THE PROPOSED SPRFA TO BE HELD IN GENEVA THE WEEK OF APRIL 10 WAS DISCUSSED WITH MFA OFFICIALS MARCH 29. INASMUCH AS CHRIS BEEBE WAS ONE OF THE MFA PARTICI-  
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PANTS, IT WAS PUT TO HIM THAT THE USG WOULD WARMLY WELCOME HIS COORDINATION OF THESE TALKS IF HE COULD BE IN GENEVA AT THAT TIME. RESPONDING FIRSTLY TO THE DUAL CONCERNS OF THE USG (PER PARA ONE OF REFTEL), THE MFA OFFICIALS AGREED THAT EXPERT LEVEL, PRELIMINARY DISCUSSIONS ARE CRITICAL TO THE SUCCESS OF THE JUNE, SUVA MEETING. WHILE THEY WOULD NOT SEEK TO DISSUADE THE USG FROM SPRFA-RELATED DISCUSSIONS AT GENEVA, THEY EXPRESSED SEVERAL RESERVATIONS. (A) SEVERAL OF THE SMALL, SOUTH PACIFIC FORUM PARTICIPANTS AT THE SUVA MEETING (E.G., COOKS, TAVALU, NIUE, SOLOMONS, GILBERTS AND TONGA, AS WELL AS PERHAPS W. SAMOA) ARE UNLIKELY TO HAVE REPRESENTATIVES AT THE LOS CONFERENCE; (B) IF (A) IS TRUE, THEN IT WOULD BE IMPORTANT TO HAVE SPEC REPRESENTED AT THE GENEVA DISCUSSIONS BOTH BECAUSE THE SPRFA NEGOTIATIONS CONTINUE TO BE UNDER SPEC AUSPICES AND BECAUSE SEVERAL OF THE SMALLER STATES FEEL THAT SPEC REPRESENTS, AT LEAST IN MEASURE, THEIR INTERESTS; AND (C) CHRIS BEEBE CANNOT, IN ANY EVENT, BE IN GENEVA BY THE SECOND WEEK IN APRIL. AMPLIFYING ON POINTS (A) AND (B), MFA OFFICIALS SAID IT WOULD BE

"DANGEROUS" FOR THE METROPOLITANS TO MEET IN GENEVA WITHOUT SPEC OR SMALLER STATE PARTICIPATION BECAUSE THE MORE "SENSITIVE" STATES WOULD BE CERTAIN TO CLAIM A "DEAL" WORKED OUT BEHIND THE BACKS OF THE SMALL, DEVELOPING STATES.

3. BEEBE OFFERED THE FOLLOWING ANALYSIS OF HIS OWN SITUATION: (A) AT BEST HE COULD PERHAPS BE IN GENEVA FOR A 2-3 DAY DISCUSSION ON SPRFA NEAR THE END OF APRIL OR EARLY MAY, PERHAPS AS A "FOLLOW-UP" TO THE EARLIER USG-INITIATED DISCUSSIONS, PROVIDED THE USG

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THOUGHT THAT WOULD BE HELPFUL (HE OFFERED TO CONSULT WITH MFA AUTHORITIES ON THIS POSSIBILITY AND UNDERTOOK TO ADVISE THE EMBASSY LATER THIS WEEK); (B) BEEBE ANTICIPATES MFA WILL PERMIT HIM TO CONTINUE AS SPRFA MEETING CHAIRMAN--IF THAT IS WHAT THE PARTICIPATING STATES ALSO WANT--AND, IN THAT EVENT HE WOULD BE AGREEABLE TO COORDINATING PRELIMINARY DISCUSSIONS, ALTHOUGH NOT REPEAT NOT IN THE APRIL 10-17 PERIOD.

4. ALTERNATIVELY, OR AS A SUPPLEMENT TO THE GENEVA DISCUSSIONS, MFA OFFICIALS APPROVED OF A 2-3 DAY EXPERTS SESSION IN SUVA AT THE END OF MAY AND MEN-  
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TIONED SEVERAL TECHNICAL AREAS (E.G., GEOGRAPHIC EXTENT OF THE CONVENTION AREA AND ACCESSION TO THE TREATY BY OTHER STATES) WHERE IT AGREES THAT PRE-CONFERENCE SOLUTIONS SEEM CRITICAL TO THE MEETING'S ULTIMATE CHANCES OF SUCCESS. BEEBE SAID IT WOULD BE MOST HELPFUL IF OUT OF THESE PRELIMINARY DISCUSSIONS SOME DRAFT TEXTS COULD BE PUT INTO THE SYSTEM.

5. AS AN ASIDE, MFA OFFICIALS MENTIONED THAT SPEC SECRETARY GENERAL MAHE HAS WRITTEN TO PRIMIN MULDOON ASKING FOR THE GNZ'S REACTION TO THE PAPUA NEW GUINEA "TWO TREATY" APPROACH TO HANDLING THE MIGRATORY SPECIES PROBLEM. MFA SAID THE GNZ CABINET HAS CONSIDERED THE "TWO TREATY" APPROACH AND HAS DECIDED TO ENDORSE IT IN A REPLY NOW BEING SENT TO MAHE. IN DOING SO, HOWEVER, THE GNZ WOULD LIKE TO HAVE THE DEPARTMENT'S ADVICE THAT SUCH A SOLUTION, AGREED UPON BY THE FORUM STATES, WOULD SATISFY THE REQUIREMENTS OF THE US 1976 FISHING CONSERVATION AND MANAGEMENT ACT, AND THE FISHERMAN'S PROTECTIVE ACT AND ITS 1976 AMENDMENTS. OF PARTICULAR INTEREST IS THE PURPOSES OF CONGRESS CLAUSE OF PL 94-265 SEC. 2 WHICH STATES AS A PURPOSE "TO SUPPORT AND ENCOURAGE THE IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL FISHING AGREEMENTS FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY SPECIES, AND TO ENCOURAGE THE NEGOTIATION AND IMPLEMENTATION OF ADDITIONAL SUCH AGREEMENTS...;" AND THE SANCTION PROVISIONS OF THE FISHERMAN'S PROTECTIVE ACT. IN SHORT, WOULD THE APPLICATION OF THE PROPOSED SPRFA MANAGEMENT PROVISIONS TO HIGHLY MIGRATORY SPECIES LAY OPEN NEW ZEALAND AND THE OTHER FORUM STATES TO THE SANCTIONS PROVIDED IN THE US LEGISLATION? (EMBASSY'S READING  
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OF THE LAW IS THAT THE SANCTIONS APPLY ONLY TO FOREIGN ASSISTANCE AND THUS COULD IMPACT ON SOME OF THE DEVELOPING STATES BUT NOT NEW ZEALAND.) DEPARTMENT'S VIEWS ON THIS MATTER REQUESTED. (FYI: MFA HAS ASKED ITS WASHINGTON EMBASSY THE SAME QUESTION. END

FYI.)

6. EMBASSY COMMENT: WHILE EMBASSY HAS NO WAY OF KNOWING WHICH OF SMALLER SOUTH PACIFIC STATES ARE REPRESENTED AT THE LOS SESSION IN GENEVA, IT IS SATISFIED THAT MANY OF THE SMALLEST, POOREST ONES WILL NOT BE. WE SHARE, THEREFORE, THE GNZ CONCERN THAT THERE BE NO APPEARANCE IN GENEVA OF A "DEAL" BY THE METROPOLITANS WITHOUT THE INVOLVEMENT OF THE SMALLER STATES WHO ARE UNABLE TO ATTEND THE LOS SESSION.  
END COMMENT. SELDEN

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## Message Attributes

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